

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 19520, 19522, 19528,
19529**

(Jointly Administered)

URGENT OMNIBUS CONSENTED MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing Concerning Verified Motion of NTT Data State Health Consulting, LLC for Allowance of Administrative Expense Claim* [ECF No. 19528] and in the *Order Scheduling*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Briefing Concerning Verified Motion of NTT DATA EAS, INC. for Allowance of Administrative Expense Claim [ECF No. 19529] (jointly, the “Scheduling Orders”).²

Request for Relief

1. On December 15, 2021, NTT DATA EAS, INC. (“NTT DATA”) filed a *Verified Motion of NTT DATA EAS, INC. for Allowance of Administrative Expense Claim* [ECF No. 19520] (the “NTT EAS Motion”), requesting that the Court enter an order “determining that NTT Data’s claim be considered an administrative expense of Debtor, entitled to administrative priority pursuant to Section 503 and Section 507 of the Code”. *See, NTT EAS Motion* at p. 7.

2. On the same date, NTT DATA State Health Consulting, LLC (“NTT Health” and with NTT EAS, the “Movants”) filed a *Verified Motion of NTT DATA State Health Consulting, LLC for Allowance of Administrative Expense Claim* [ECF No. 19522] (the “NTT Health Motion” and with the NTT EAS Motion, the “Motions”), requesting that the Court enter an order “determining that NTT [Health’s] claim be considered an administrative expense of Debtor, entitled to administrative priority pursuant to Section 503 and Section 507 of the Code”. *See, NTT Health Motion* at p. 7.

3. On December 15, 2021, the Court entered the Scheduling Orders, which provide that oppositions to the Motions must be filed by December 29, 2021 at 5:00 p.m. (AST) and Movants’ replies by January 5, 2022 at 5:00 p.m. (AST).

4. Since then, Commonwealth has been working diligently to gather the necessary information in order to properly assess the Motions and evaluate a possible consensual resolution of the same. Nevertheless, the Commonwealth needs additional time to gather information and

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

finalize its analysis. The Commonwealth reached out to Movants' counsel who has consented to the requested extension.

5. Accordingly, the Commonwealth, with Movants' consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline for the Commonwealth to separately respond to the Motions shall be extended to **January 28, 2022**.
- The deadline for Movants to file replies to the respective oppositions to the Motions, if any, shall be extended to **February 4, 2022**.
- Although the deadlines to respond to the Motions and to file replies to the respective oppositions, if any, will fall on the same dates, such pleadings may be addressed separately.
- The Court will thereafter take the Motions on submission, unless the Court determines that a hearing is necessary.

6. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the "Case Management Procedures"), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

7. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for

the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III cases; and (i) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

8. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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Dated: December 28, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi

USDC No. 222301

Email: lmagini@mpmlawpr.com

/s/ Carolina Velaz-Rivero

Carolina Velaz-Rivero

USDC No. 300913

Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑOZ LLC

250 Ponce de León Ave.

Suite 900

San Juan, Puerto Rico 00918

Tel: (787) 705-2171

Fax: (787) 936-7494

Attorneys for the Puerto Rico Fiscal

Agency and Financial Advisory Authority

Exhibit A

Proposed Order